

## **EXHIBIT 7**

MICHAEL A. JACOBS (BAR NO. 111664)  
 WESLEY E. OVERSON (BAR NO. 154737)  
 FREDERICK S. CHUNG (BAR NO. 183337)  
 MORRISON & FOERSTER LLP  
 425 Market Street  
 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 Facsimile: (415) 268-7522

Attorneys for Defendant  
 SABA SOFTWARE, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

IP LEARN, LLC,  
  
 Plaintiff and Counterdefendant,  
  
 v.  
  
 SABA SOFTWARE INC.; and DOES 1-10,  
  
 Defendant and Counterclaimant.

No. C 02-02634 JW

**SABA'S PROPOSED CLAIM TERMS  
 AND CLAIM ELEMENTS FOR  
 CONSTRUCTION**

**(Patent L.R. 4-1 and  
 Revised Scheduling Order)**

AND RELATED COUNTERCLAIMS.

In accordance with Northern District Patent Local Rule 4-1, as well as the Court's Revised Scheduling Order, dated November 25, 2002, which states that defendant Saba Software, Inc. ("Saba") must "file and serve" this document, Saba hereby submits its proposed claim terms, phrases, or clauses for construction for U.S. Patent No. 5,779,486 (the "486 patent"), U.S. Patent No. 5,934,909 (the "909 patent"), U.S. Patent No. 6,118,973 (the "973 patent"), U.S. Patent No. 6,126,448 (the "448 patent"), and U.S. Patent No. 6,398,556 (the "556 patent"). At the Case Management Conference on November 4, 2002, the Court instructed Saba to identify five allegedly "dispositive" terms, phrases, or clauses for a preliminary claim construction hearing on

February 7, 2003. In addition, the Court instructed Saba to submit its proposed constructions of these terms. Saba has actually identified six potentially dispositive terms and proposed constructions, and it hereby submits these six terms and constructions.

**I. TERMS AND CONSTRUCTIONS FROM THE '486, '909, AND '973 PATENTS**

Terms, Phrases or Clauses to be Construed	Proposed Constructions	Claims
"line-item"	<p>Has 2 meanings:</p> <p>A subsidiary level of classification in a systemwide taxonomy of areas of learning, whereby areas of learning are divided into (1) "subjects," each of which is further subdivided into (2) "major topics," each of which is further subdivided into (3) "minor topics," each of which is further subdivided into (4) "line-items," each of which may have a number of complexity levels</p> <p><i>and</i></p> <p>An item that belongs to the "line-item" level of classification in the foregoing taxonomy</p>	<p>'486: 13, 14, 15, 16, 19, 36, 40, 41, 45, 50, 54</p> <p>'909: 5, 11, 21, 23, 25, 27, 29</p> <p>'973: 4, 9, 10, 15, 19, 20, 21, 23, 25, 26</p>
<p>"recommendation generator"</p> <p>"generate a recommendation"</p>	<p>To produce (or a system component that produces) suggestions for enhancing a student's understanding in a tested subject, as a result of the application of analysis rules (as defined herein) to a student's test scores</p>	<p>'486: 1, 2, 13, 15, 19, 50, 54</p> <p>'909: 1, 21, 23, 29</p> <p>'973: 1, 19, 23, 24, 26</p>
"analysis rules"	<p>Rules (including relationship rules and prerequisite rules) that describe the relationships among areas of learning, where the areas of learning are classified according to a systemwide taxonomy (e.g., "line-items," "minor topics," "major topics," and/or "subjects")</p>	<p>'486: 1, 2, 13, 15, 54</p> <p>'909: 1, 8, 11, 21, 23, 29</p>

Terms, Phrases or Clauses to be Construed	Proposed Constructions	Claims
<p>“report generator configured to... generate a report... based on the recommendation... and based on the report format”</p> <p>“report generator... for...generating a report, based on the recommendation and the report format”</p> <p>“generating a report, based on the recommendation and the report format”</p> <p>“generating a report... based on the recommendation... and based on the report format”</p>	Producing (or a system component that produces) a report, using a specified format, which contains suggestions for enhancing a student’s understanding in a tested subject, as a result of the application of analysis rules to a student’s test scores	<p>’486: 45</p> <p>’909: 25</p> <p>’973: 20, 25</p>

## II. TERMS AND CONSTRUCTIONS FROM THE ’448 PATENT

Terms, Phrases or Clauses to be Construed	Proposed Construction	Claims
<p>“searching at least some of the documents to extract more than one documents to be the learning materials”</p> <p>“at least some of the documents are searched to extract more than one documents to be the learning materials”</p>	Searching, by job position, a database of documents and extracting the appropriate documents to be the learning materials for that job position	1, 35

### III. TERMS AND CONSTRUCTIONS FROM THE '556 PATENT

Terms, Phrases or Clauses to be Construed	Proposed Construction	Claims
<p>“the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn”</p> <p>“the institute user pays so that materials can be accessed...a learning user is allowed to access materials to learn”</p>	<p>An organization pays an access fee in order to obtain personal information regarding an individual user who is not a part of the organization (such as the individual user’s name, contact information, educational background, work experience, work preferences, and learning preferences), and the individual user allows access to this personal information so as to receive access to learning materials</p>	<p>1, 25, 53</p>

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MICHAEL A. JACOBS  
WESLEY E. OVERSON  
FREDERICK S. CHUNG  
MORRISON & FOERSTER LLP

By: s/Frederick S. Chung  
Frederick S. Chung

Attorneys for Defendant  
SABA SOFTWARE, INC.